

ARTICLE VIII.

OFF-STREET PARKING AND LOADING

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DIVISION 1.

IN GENERAL

Sec. 26-471. Purpose and applicability.

(a) This article is enacted for the purpose of requiring all persons developing new and redeveloping existing buildings or tracts within the city to provide sufficient off-street parking and loading facilities at all times the buildings or tracts are in use or occupied.

(b) This article applies only to:

- (1) The construction of a new building;
- (2) The alteration of an existing building or tract where the alteration results in an increase in the parking factor;
- (3) A change of use classification; and

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- (4) An alteration of a shopping center (strip) or shopping center (neighborhood) that results in the addition or alteration of a class 6 or 7 use classification.
- (5) Buildings or tracts within the central business district except that division 2 of this article shall not apply to buildings or tracts within the central business district;
- (c) This article does not apply to temporary classroom buildings for public schools where the director determines, upon reviewing the development plat that includes a temporary classroom building as well as information sufficient to make a determination, that:
 - (1) There is a reasonable likelihood that the construction necessitating a temporary classroom building will not continue for more than five years; and
 - (2) An analysis of the public school site supports the conclusion that timely compliance with the student/teacher ratio required by law cannot be achieved without the construction of the temporary classroom building.
- (d) In the event of a conflict between the definitions or regulations of this article and any other provision of this Code, the definitions or regulations of this article shall control; provided, however, that requirements to provide off-street parking contained in chapter 42 of this Code that are not mentioned in section 26-492 of this Code shall be considered additional requirements to provide off-street parking.

Sec. 26-472. Definitions.

The following definitions shall apply to this article:

Alteration means any change of use classification or any addition to or modification of a building or tract that results in an increase in the parking factor used to calculate the number of parking spaces, bicycle spaces, and loading berths required of the use classification.

Apartment means a building, or portion thereof, which is designed, built, rented, leased, or let out to be occupied, or that is occupied as the home or residence of three or more families living independently of each other, including a flat or a condominium created under chapter 81 or 82 of the Texas Property Code.

Applicant means a property owner or his or her designated agent, landlord, or tenant, holder of certificate of occupancy, management entity or other person or entity to which this article applies, that is requesting a building permit, development plat, site plan review, review of a shared parking agreement, review of a memorandum of lease, designation of a special parking area, or is otherwise seeking compliance with a provision of this article.

Arcade or game room means a building designed primarily as a place of amusement and recreation that may include pinball machines, video games or other related amusement machines or devices.

Arena means a building that contains facilities for seating for spectators of sporting events or other types of public amusement and entertainment.

Art gallery means a building that contains facilities for the sale or display of paintings, sculptures or other works or objects of art.

Auditorium means a building that contains facilities for use as a place for public or private gatherings.

Auto parts and supply store means a building that contains facilities for the sale of motor vehicle parts and related items to the general public.

Auto repair establishment means a building that contains facilities for the retail sale of automobile fuel, motor oil, or repair services for motor vehicles.

Auto sales dealer means a building that contains facilities for the display, service, and retail sale or lease of motor vehicles.

Bar, club or lounge means a building or a place of business that derives more than 50 percent of its gross revenue from the sale of alcoholic beverages for on-site consumption.

Barber or beauty shop means a building that contains facilities for the cutting of hair, providing facial and manicure treatments or other beauty related services and is licensed by the State of Texas as a barber shop or beauty shop or establishment.

Bicycle means a vehicle propelled by human power that has two tandem wheels at least one of which is more than 14 inches in diameter.

Bicycle space means a parking space provided solely for the parking of bicycles.

Bowling alley means a building that contains facilities primarily designed for playing the game of bowling.

Building means any structure or portion thereof, which is built, or otherwise constructed, for the support, shelter or enclosure of persons, animals, or property of any kind.

Building materials or home improvement store means a building that contains facilities for the retail sale of lumber, tools, construction hardware, painting materials and related items.

Building permit means an official document issued by the building official authorizing performance of a specified activity under the Construction Code.

Car wash (automated) means a building that contains facilities for washing more than two motorized vehicles using automated production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices.

Car wash (all others) means a building that contains facilities for the washing of motorized vehicles.

Central business district means the area beginning at the intersection of I.H. 10 and U.S. 59, then in a southerly direction along U.S. 59 until its intersection with Chartres Street at Runnels Street, then in a southwesterly direction along Chartres Street until its intersection with Texas Street, then in a southeasterly direction along Texas Street until its intersection with Dowling Street, then in a southwesterly direction along Dowling Street until its intersection with Hadley Street, then in a northwesterly direction along Hadley Street as projected and extended across U.S. 59 until its intersection with Hamilton Street, then in a southwesterly direction along Hamilton Street until its intersection with McGowen Street, then in a northwesterly and northerly direction along McGowen Street until its intersection with Bagby Street, then in an easterly direction along Bagby Street until its intersection with Heiner Street, then in a northerly direction along Heiner Street and continuing along Heiner Street as projected and extended to Sabine Street until its intersection with Buffalo Bayou, then in an easterly direction along Buffalo Bayou until its intersection with I.H. 45, then in a northeasterly direction along I.H. 45 until its intersection with I.H. 10, then in an easterly direction along I.H. 10 until its intersection with U.S. 59, the point of beginning. Properties abutting and fronting on such streets are included in the district except that properties abutting and fronting I.H. 10, U.S. 59, and I.H. 45 but not within the area described above are not included in the district

Certificate of occupancy means an official document issued by the building official after final inspections certifying that the building complies with the provisions of this article and the Construction Code. Certificate of occupancy includes a temporary certificate of occupancy issued by the building official.

Church means a building that is exempt from ad valorem taxes, in which a society of persons who profess a religious belief regularly assemble for religious worship or religious instruction or for propagating a particular form of religious belief.

Clinic (medical complex) means a group of interrelated buildings in close proximity to one another that contains facilities that provides human medical care under common management or control that may include medical or dental professional buildings as a part of such a complex.

Clinic (medical or dental) means a building that contains facilities for the offices of physicians or dentists for the examination and treatment of persons on an out-patient basis. A clinic (medical or dental) shall include medical or dental professional buildings which are not a part of a clinic (medical complex) as defined by this section.

Collector street is defined in chapter 42 of this Code.

College, university, or trade school means a building that contains facilities for an institution of higher education beyond the level of secondary school, including but not limited to, training in occupational or vocational education.

Commission means the city's planning commission created by the provisions of chapter 33 of this Code.

Compact car means a vehicle with an overall length of 16 feet or less and an overall width of six feet or less.

Construction means any act of forming, assembling, erecting or building a structure, building or portion thereof.

Department means the planning and development department of the city.

Dessert shop means a building that contains facilities used primarily to sell pre-prepared desserts for on-site consumption and has a limited menu of foods such as ice cream, yogurt, custard, smoothies, cakes or cookies.

Development plat is defined in chapter 42 of this Code.

Director means the director of the department and his or her designees.

Driving range (golf) means a tract that contains facilities for practicing driving a golf ball.

Dwelling unit means a building or portion of a building that contains independent living facilities including provisions for nontransient sleeping, cooking, and sanitation.

Financial facility means a building that contains facilities for an establishment authorized to receive and safeguard money, lend money, execute bills of exchange and purchase and exchange foreign currency, including, but not limited to, banks, savings and loan associations and savings banks.

Funeral home or mortuary means a building that contains facilities for undertaking services such as preparing for human burial and arranging and managing funerals.

Furniture store means a building that contains facilities for the retail sale and display of furniture.

Golf course means a tract that contains facilities for playing golf and that is not a miniature golf course.

Gross floor area or *GFA* means the numerical expression in square feet of the enclosed gross floor area of the building based upon the area submitted in the building permit application.

Heavy manufacturing and industrial means a building that contains facilities for the large-scale, capital-intensive, commercial production of goods.

Hospital means a building licensed by the State of Texas as a hospital that contains

facilities for the provision of medical care of the sick or injured.

Hotel or motel means a building that contains guest rooms designed to be rented or let out for sleeping purposes by guests, but shall not include any use that is considered a special residential use in this article or any other residential use.

Leased tract means a tract subject to a memorandum of lease whether that tract part of a shared parking agreement, or leased for use as an off-site parking facility.

Library means a building that contains a repository or collection of literary and artistic materials such as books, periodicals and newspaper.

Loading means the act of transferring items to or from a delivery motor vehicle.

Loading berth means a permanent, all-weather surfaced, marked space for the loading, unloading or parking of delivery motor vehicles other than motor vehicles principally designed for passengers.

Loading facilities category means the use of a building or tract for a purpose identified in section 26-522 of this Code.

Loading facility means a loading berth or other space used for the purpose of temporary loading and unloading or parking of trucks and motor vehicles other than motor vehicles principally designed for passengers.

Lot means (1) in the context of a subdivision plat, an undivided tract of land intended for single-family residential use contained within a block and designated on a subdivision plat by numerical identification; (2) in the context of a development plat, a parcel intended as an undivided unit for the purpose of development.

Major thoroughfare is defined in chapter 42 of this Code.

Management entity means a political subdivision, a local government corporation, or other entity that represents the property owners within its boundaries.

Manufactured home means a building, transportable in one or more sections, which is eight body feet or more in width and 32 feet or more in length, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air-conditioning and electrical systems.

Manufacturing facility means a building that contains facilities for the processing of raw or partially completed material into a finished or partially finished product.

Memorandum of lease means an agreement in recordable form signed by all interested parties that includes a legal description of the property covered, the term of the lease or

agreement and providing that the applicable property will be used exclusively for the parking of motor vehicles for the related use.

Mini-warehouse facility means a building that contains facilities designed as individual compartments available to the general public for rent or lease as storage.

Miniature golf means a tract that contains facilities for playing golf on a miniature course.

Movie theater means a building that contains facilities for showing motion pictures to an audience.

Museum means a building that contains facilities for the display of objects of art, science, history, or other objects of cultural significance.

Neighborhood restaurant means a restaurant that does not have a drive-through facility and that is greater in size than 3,000 square feet of GFA plus 15% of GFA used as outdoor decks, patios and seating areas, but less than or equal to 4,500 square feet of GFA plus 15% of GFA used as outdoor decks, patios and seating areas. If a neighborhood restaurant increases in size to greater than 3,000 square feet of GFA plus 15% of GFA used as outdoor decks, patios and seating areas, then no part of the building or outdoor decks, patios and seating areas shall continue to be considered a neighborhood restaurant.

Nursery school or day care center means a building licensed by the State of Texas as a nursery school or day care that contains facilities related to the care and education of children primarily under six years of age including, but not limited to, all buildings and facilities licensed by the State of Texas as child care facilities.

Nursing home means a building licensed by the State of Texas as a nursing home that contains facilities to provide accommodations for convalescents or other persons who are not acutely ill and not in need of hospital care but require skilled care and related medical services.

Occupants means the number of students, staff and guests estimated to be inside a school building as reflected by the latest utility capacity reservation letter for each building.

Off-site parking means a parking facility located on a tract other than the tract where the use classification is located that must be available for parking for the use classification in order to comply with the requirements of this article.

Office means a building that contains facilities for the regular transaction of business, whether public or private, that is not more adequately described as a different use classification by this article.

On-site means a location that is a genuine part of a development and that is located on the same lot or tract as the development. An on-site location does not include properties located across a public street or right-of-way.

Park pavilion means an enclosed or semi-enclosed building that contains facilities for picnicking or recreation.

Parking facility means a parking lot, parking garage, loading berth, or other collection of parking spaces or bicycle spaces used for the purpose of temporary parking of vehicles.

Parking factor means the unique quality of a use classification that is used to calculate the required number of parking spaces, bicycle spaces, and loading berths of a use classification, such as, by way of example, gross floor area, useable floor area, number of dwelling units, employees, sleeping rooms, occupants, storage units or bays, seats, golf course greens, bowling alley lanes, etc.

Parking lift means a mechanical device that may be suitable for indoor and outdoor use powered by an electric motor or hydraulic pump used to increase parking capacity within a parking facility by moving motor vehicles into a temporary storage position.

Parking management plan means a plan submitted by a management entity that describes the shared parking plan, alternative parking regulations, or substituted requirements for the number of parking spaces, bicycle spaces, or loading berths in a special parking area.

Parking space means an identified and marked area wholly within private property that is all-weather surfaced and that is designed for the storage of one parked vehicle.

Psychiatric hospital means a building that contains facilities licensed by the State of Texas to provide care of the mentally ill or mentally disabled.

Reciprocal easement agreement means a written agreement in recordable form between two or more property owners that includes, but is not limited to, a restriction on the use of certain property for parking purposes and describes the building or tract that is entitled to the exclusive use of the designated parking facilities.

Responsible party means the property owner or his or her designated agent, landlord, tenant, holder of certificate of occupancy, management entity, or other person or entity to which this article applies who is responsible for complying with certain ongoing duties and responsibilities of a person or entity to which this article applies regardless of whether they are an applicant requesting a building permit, development plat, site plan review, review of a shared parking agreement, memorandum of lease, designation of a special parking area, or other provision of this article.

Restaurant means a building that contains facilities for the preparation of food or drinks to serve to customers including, but not limited to, coffee shops, cafeterias, concession stands, clubs that provide food service, including veterans' clubs that give or offer food for sale to the general public.

Retail store means a building that contains facilities for the retail sale or rental of goods

or merchandise including but not limited to, clothing stores, discount stores, household goods stores, office supply stores, drugstores, bookstores, etc.

Retirement community (with kitchen facilities) means a building that contains two or more individual dwelling units with individual kitchen facilities that are specifically designed and restricted in use for the needs of persons over 55 years of age.

Retirement community (without kitchen facilities) means a building that contains two or more individual dwelling units without individual kitchen facilities that are specifically designed and restricted in use for the needs of persons over 55 years of age.

Roller or ice skating rink means a building that contains facilities designed primarily for use as a roller skating or ice skating area that may include a limited seating area.

School (public, denominational or private) means a building that contains facilities operated by a public, religious, private, or other agency with a curriculum for kindergarten, elementary or secondary education.

Service station means a building that contains facilities for the sale of gasoline.

Shared parking means the use of the same off-street parking space or spaces to satisfy the off-street parking requirements for two or more individual use classifications.

Shopping center (neighborhood) means a group of commercial establishments contained in one or more buildings encompassing a total GFA greater than or equal to 25,000 square feet and less than 100,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal easement agreement or similar arrangement).

Shopping center (regional) means a group of commercial establishments contained in one or more buildings encompassing a total GFA greater than or equal to 100,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal easement agreement or similar arrangement).

Shopping center (strip) means a group of commercial establishments contained in one or more buildings encompassing a total GFA below 25,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal easement agreement or similar arrangement).

Single-family residential means the use of a lot with one building designed for and containing not more than two separate units with facilities for living, sleeping, cooking and eating therein. A lot upon which is located a freestanding building containing one dwelling unit and a detached secondary dwelling unit of not more than 900 square feet also shall be considered single-family residential. A building that contains one dwelling unit on one lot that is connected by a party wall to another building containing one dwelling unit on an adjacent lot shall be a single-family residential.

Site plan means a detailed, graphical representation of the arrangement of buildings, parking and loading facilities, driveways and other improvements on a tract of land.

Small bar means a bar, club or lounge that is greater in size than 2,500 square feet of GFA plus the outdoor decks, patios and seating areas, but less than or equal to 4,000 square feet of GFA plus the outdoor decks, patios and seating areas. If a small bar increases in size to greater than 4,000 square feet of GFA plus the outdoor decks, patios and seating areas, then no part of the building or outdoor decks, patios and seating areas shall continue to be considered a small bar.

Small restaurant means a restaurant that does not have a drive-through facility and that is less than or equal in size to 3,000 square feet of GFA plus 15% of GFA used as outdoor decks, patios and seating areas. If a small restaurant increases in size to greater than 3,000 square feet of GFA plus 15% of GFA used as outdoor decks, patios and seating areas, then no part of the building or outdoor decks, patios and seating areas shall continue to be considered a small restaurant.

Special parking area means an area designated by city council and managed by a management entity that may have alternative parking requirements to those required by this article.

Special residential means a residential building that is not single family-residential or an apartment that may contain rooming houses, group dwellings, community facilities, homes for physically or mentally disabled, lodging houses, hostels, or similar uses.

Sports club or health spa means a building that contains facilities for physical exercise, recreational sports, and relaxation.

Sports complex means a building or tract that contains facilities for playing baseball, softball, football, soccer or other competitive sports.

Subdivision plat is defined in chapter 42 of this Code.

Supermarket means a building that contains facilities for the sale of food, groceries, household goods. Convenience stores shall be considered supermarkets.

Swimming club means a building or tract that contains facilities designed primarily for aquatic sports or recreation.

Take-out restaurant means a restaurant which does not provide seating for on-premises consumption of food or beverages and may include a drive-through facilities or a take-out window or counter.

Tavern or pub means a bar, club or lounge that is less than or equal in size 2,500 square feet of GFA plus the outdoor decks, patios and seating areas. If a tavern or pub

increases in size to greater than 2,500 square feet of GFA plus the outdoor decks, patios and seating areas, then no part of the building or outdoor decks, patios and seating areas shall continue to be considered a tavern or pub.

Temporary classroom building means a building built on skids and is utilized by a public school district for the purpose of eliminating the shortage of classrooms in order to bring the student/teacher ratio into compliance with state law.

Tennis or racquet club means a building that contains facilities designed for playing racquet sports.

Theater means a building or tract that contains facilities for the performance of theatrical, literary or lyrical productions.

Title report means a current report, commitment, opinion or title policy that: (1) is prepared and executed by a title company authorized and in good standing to do business in the State of Texas or by an attorney licensed by the State of Texas; (2) provides a legal description of the property proposed to be subdivided or developed; (3) identifies the owner and lienholder of the property subject to the subdivision plat or development plat and the recording information of each instrument by which each owner or lienholder acquired its respective interest; and (4) describes all encumbrances of record that affect the property and the recording information of each instrument by which each encumbrance was established.

Tract means a parcel of land.

Transit facility means a permanent facility owned and operated by the Metropolitan Transit Authority of Harris County (METRO) designed to serve as points of access to METRO's transit infrastructure.

Transportation terminal means a building that is used to accommodate the arrival and departure of passengers by aircraft, motor bus, ship, or railroad train.

Truck terminal means a building designed with two or more loading berths to facilitate the loading or unloading of trailer trucks.

Use classification means the use of a building or tract for a purpose identified in division 2 of this article.

Useable floor area or UFA means the gross floor area of a building excluding lobbies, hallways, restrooms, elevators, stairwells, mechanical shaft or vertical penetrations, atriums, mechanical rooms, and service rooms.

Valet parking plan means a detailed graphical representation of the arrangement of parking spaces, drive aisles, and other improvements, that includes detailed dimensions of parking facilities.

Veterinary clinic means a building that contains facilities for the examination and treatment of animals.

Warehouse means a building that contains facilities for the storage of goods or merchandise.

Sec. 26-473. Site plan submittal requirements.

(a) An applicant or responsible party shall submit a site plan to the department prior to obtaining a certificate of occupancy or a building permit, or in conjunction with a development plat required by chapter 42 of this Code. The site plan shall:

- (1) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule when the site plan is not submitted in conjunction with a development plat;
- (2) Be to scale, provide a north arrow, and contain bearings, dimensions, and boundaries of all tracts related to the use classification and the parking facilities;
- (3) Include the calculation used to determine the number of parking spaces, bicycle spaces, and loading berths required by this article;
- (4) Be accompanied by a survey of the tract or a copy of the most recently recorded subdivision plat of the tract; and
- (5) The site plan must show:
 - a. Each existing and proposed building, including dimensions and GFA of each building;
 - b. Each proposed alteration to a building or tract, including dimensions and GFA of each alteration;
 - c. The dimensions, design, and location of parking spaces, bicycle spaces, bicycle racks, loading berths, drive aisles, landscaping islands, and other physical features relating to layout of parking and loading facilities;
 - d. Existing and proposed trees, shrubs, and screening fences required by the article V of chapter 33 of this Code;
 - e. Building setback lines required by chapter 42 of this Code or contained in any separately recorded instruments;
 - f. The location of above-ground existing and planned physical features such as utility poles, fire hydrants, dumpsters, bollards and other obstructions;
 - g. The location of sidewalks and other improvements;

- h. The location, dimensions, distance, and clearly delineated pedestrian route to off-site parking facilities, as applicable; and
 - i. The location and configuration of each drop-off, drive-in, or drive-through facility, as applicable.
- (b) The following documents must be submitted with a site plan, as applicable:
 - a. Covenants and restrictions recorded in the real property records affecting the tracts contained in the site plan;
 - b. Licenses, permits, and other documentation required by federal, state, and other governments for the operation of a use classification listed in division 2 of this article;
 - c. All documents relied upon in making the calculation required by section 26-473(a)(3) of this Code, for example, floor plans, layout of golf course greens, tennis courts, outdoor decks, patios, and seating areas;
 - d. The most recent utility capacity reservation letter;
 - e. A valet parking plan;
 - f. A shared parking plan;
 - g. A memorandum of lease;
 - h. The layout and description of proposed amenities for extending the distance of off-site parking in accordance with this article; and
 - i. A title report.

Sec. 26-474. Review of site plan and building permit.

(a) Upon receipt of a site plan containing all the information required by section 26-473 of this Code, the director shall perform a review of the site plan to verify compliance this article. The building official shall not issue a building permit for the construction of a building or alteration to a building or tract within the city unless the director approves the site plan verifying that the applicant provides for the parking and loading facilities required by this article.

(b) The building official shall not issue a certificate of occupancy for the construction of a building or alteration to a building or tract unless the applicant constructs or provides for the required parking and loading facilities. Prior to the issuance of a certificate of occupancy, the building official shall inspect the parking and loading facilities provided to verify compliance with the approved site plan.

(c) The director shall not approve a site plan and the building official shall not issue a building permit or certificate of occupancy until the applicant has produced all supporting documentation including required licenses, title reports, deed restrictions, surveys, and other required documentation prior to the approval of a site plan, building permit, or certificate of occupancy. Any site plan approved or building permit or certificate of occupancy issued on the basis of either erroneous documentation or false information is void with the same force and effect as if it had never been approved or issued without the necessity of any action by the city or any other person or agency.

(d) The director shall not approve a site plan containing a drop-off, drive-in, or drive-through facility configuration unless the configuration provides sufficient area for access to the drop-off, drive-in, or drive-through facility without blocking the public right-of-way or any parking space required by this article. The director shall consider the recommendation of the traffic engineer regarding the configuration before approval of the site plan. The building official shall not issue a building permit or certificate of occupancy for any use classification containing a drop-off, drive-in, or drive-through facility unless the director approves the site plan.

(e) The director shall deny in writing all building permit applications and site plans that do not comply with the requirements of this article.

Sec. 26-475. Deed restriction compliance.

(a) A site plan submitted for review to verify compliance with the parking requirements of this article shall not include any land to be used for off-site parking that is used for or restricted to residential use where the use or intended use of that restricted property as an off-site parking facility for a different purpose or enterprise would violate the applicable deed restrictions.

(b) No site plan submitted for review pursuant to this article shall be approved by the director if any portion of an off-site parking facility used to satisfy the off-street parking requirements of this article includes any land that is used for or restricted to residential use and the use or intended use of that restricted property as an off-site parking facility for a different purpose or enterprise would violate the applicable deed restrictions.

(c) Every applicant who submits a site plan for review to verify compliance with the requirements of this article shall furnish to the director a certified copy of the instruments containing the deed restrictions, or the instrument of revocation or termination, or the declaratory judgment, or any other recorded document containing restrictions that affect the use of all or any part of the property within the site plan, including any property to be used for on-site and off-site parking facilities. If there are no recorded restrictions affecting the use of any of the property included within the site plan then the applicant shall submit a current abstractor's certificate or a title report which expressly states that there are no recorded restrictions applicable to the subject property. A title report or abstractor's certificate required by this section shall be prepared within 30 days prior to the date submitted by a title company authorized by law to do business in this state or by an attorney licensed to practice law in this state.

Sec. 26-476. Violations.

(a) It is a violation of this article for any person to construct a building or alter a building or tract in the territorial limits of the city without first complying with the provisions of this article. Any person violating any provision of this article is guilty of a misdemeanor and, upon conviction, shall be fined an amount not less than \$100.00 and not more than \$500.00. Each day that a violation continues shall constitute a separate offense. Prosecution or conviction under this provision shall not be a bar to any other remedy or relief for violation of this article.

(b) If a person constructs a building or alters a building or tract prior to complying with the requirements of this article, the fees described in this article shall be doubled for construction or alteration required to comply with the provisions of this article. The paying of a double fee shall not relieve a person from complying with the requirements of this article, and shall not be a bar to any other remedy or relief for violation of this article.

Secs. 26-477--26-488. Reserved.

DIVISION 2.

REQUIREMENTS FOR PARKING SPACES AND BICYCLE SPACES

Sec. 26-489. In general.

The building official shall not issue a building permit or certificate of occupancy for the construction of a building or alteration of a building or tract unless the building or tract includes the construction of or provides for the parking facilities required by this article. The parking facilities shall be on the same tract as the use classification those facilities are intended to serve except as otherwise provided for in this article.

Sec. 26-490. Use of parking space or bicycle space.

All required parking facilities shall conform to the following standards:

(a) Parking facilities shall be:

- (1) Available for use by employees, customers, and patrons;
- (2) Maintained at all times the building or tract is in use or occupied; and
- (3) Used exclusively for their intended purpose. A parking space shall be used exclusively for the temporary parking of passenger automobiles not exceeding one ton in capacity and a bicycle space shall be used exclusively for the temporary parking of bicycles;

(b) Parking facilities that are required by this article shall only be used for parking, and are not to be used for any other use, including but not limited to, the sale, display or storage of merchandise, as a place of public gathering, or for the storage or repair of vehicles or

equipment. If a tract provides for more parking spaces than the number required by this article, the excess number of parking spaces may be used for any purpose permitted by law. All parking spaces required by this article may be used for valet parking in accordance with the requirements of this chapter.

(c) For a project that will be built in phases, an applicant may install the required parking spaces or bicycle spaces in phases if the applicant has submitted a schedule for phased development and that schedule has been approved by the director. Each phased parking installation must include enough parking to meet the parking requirements for the completed phases of the development for which the parking is provided. This schedule for phased development must indicate the dates on which all parking approved pursuant to this article will be provided.

Sec. 26-491. Fractional requirements.

(a) If the parking space requirements of this article result in a fractional requirement that is 0.5 or greater, the applicant or responsible party shall provide parking spaces equal to the next higher whole number.

(b) If the bicycle space requirements of this article result in a fractional requirement, the applicant or responsible party shall provide bicycle spaces equal to the next higher whole number.

Sec. 26-492. Parking spaces for certain types of use classifications.

The construction of a building or alteration of a building or tract for any of the following types of use classifications shall provide the required number of parking spaces, or the incremental increase in the number of parking spaces in the case of an alteration, as shown below for that use classification.

Use Classification	Required Number of Parking Spaces
Class 1. Office:	
a. Office	2.5 parking spaces for every 1,000 square feet of GFA or 2.75 parking spaces for every 1,000 square feet of UFA
b. Financial facility	4.0 parking spaces for every 1,000 square feet of GFA
Class 2. Residential:	
a. Apartment	1.250 parking spaces for each efficiency dwelling unit
	1.333 parking spaces for each one-bedroom dwelling unit

	1.666 parking spaces for each two-bedroom dwelling unit
	2.0 parking spaces for each dwelling unit with 3 or more bedrooms
b. Single-family residential or manufactured home	2.0 parking spaces for each dwelling unit, except that a secondary dwelling unit not larger than 900 square feet of GFA shall provide 1.0 parking space
c. Special residential	0.3 parking spaces per sleeping room, plus 1.0 parking space per employee on largest shift
d. Retirement community (with kitchen facilities)	0.75 parking spaces per dwelling unit, plus 1.0 space per employee on the largest shift
e. Retirement community (without kitchen facilities)	1.0 parking space for every 6 beds, plus 1.0 parking space per employee on largest shift
f. Hotel or motel	1.0 parking space for each sleeping room up and including 250 rooms;
	0.75 parking spaces for each sleeping room from 251 rooms to 500 rooms;
	0.50 parking spaces for each sleeping room in excess of 500 rooms
Class 3. Health Care Facilities:	
a. Hospital	2.2 parking spaces for each bed
b. Psychiatric hospital	1.0 parking space for every 4 beds and 1.0 parking space for every 4 employees
c. Clinic (medical complex)	2.7 parking spaces for every 1,000 square feet of GFA
d. Clinic (medical or dental)	3.5 parking spaces for every 1,000 square feet of GFA
e. Nursing home	1.0 parking space for every 3 beds and 1.0 parking space for every 4 employees

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f. Funeral home or mortuary	0.5 parking spaces for every chapel seat
g. Veterinary clinic	5.0 parking spaces for every 1,000 square feet of UFA
Class 4. Industrial and Commercial Manufacturing:	
a. Multi-tenant (or multi-building project):	
1. At grade (no docks)	2.5 parking spaces per 1,000 square feet of GFA of office space; and 1.0 parking space per 5,000 square feet of GFA of warehouse space
2. Semi-dock high	2.5 parking spaces per 1,000 square feet of GFA of office space; and 1.0 parking space per 5,000 square feet of GFA of warehouse space
3. Full-dock high	2.5 parking spaces per 1,000 square feet of GFA of office space; and 1.0 parking space per 7,000 square feet of GFA of warehouse space
b. Bulk warehouse	2.5 parking spaces per 1,000 square feet of GFA of office space; and 1.0 parking space per 7,000 square feet of GFA of warehouse space
c. Heavy manufacturing and industrial	2.5 parking spaces per 1,000 square feet of GFA of office space; and 1.0 parking space per 2,000 square feet of GFA of warehouse space
d. Light manufacturing assembly and research and development	2.5 parking spaces per 1,000 square feet of GFA of office space; and 1.0 parking space per 1,500 square feet of GFA of assembly space
e. Transportation terminal	6.5 parking spaces per 1,000 square feet of GFA of waiting area
f. Truck terminal	1.0 parking space per 2,000 square feet of GFA
g. Mini-warehouse facility	1.0 parking space for every 50 storage units or bays
Class 5. Religious and Educational:	

a. Church	1.0 parking space for every 5 fixed seats in auditorium or sanctuary or, if there are no fixed seats, 1.0 parking space for every 40 square feet of GFA in the main auditorium or sanctuary
b. Nursery school or day care center	1.0 parking space for every employee on duty during the largest shift, plus 1.0 parking space for every 5 children in attendance when the facility is operating at maximum capacity
	1.0 parking space for every employee on duty during the largest shift and 1.0 parking space for every 10 children in attendance when the facility is operating at maximum capacity if a drop-off, drive-in, or drive-through facility is provided
c. School (public, denominational or private):	
1. Elementary school	1.0 parking space per every 12 occupants
2. Junior high school (including a school for 9 th grade only)	1.0 parking space per every 7 occupants
3. Senior high school	1.0 parking space per every 3 occupants
d. College, university, or trade school	1.0 parking space for every 3 employees plus 1.0 parking space for every 10 students residing on campus and 1.0 parking space for every 5 students not residing on campus
e. Library	1.2 parking spaces for every 1,000 square feet of GFA
f. Art gallery or museum	3.0 parking spaces for every 1,000 square feet of GFA of exhibit area or gallery space
Class 6. Recreation and Entertainment:	
a. Golf course	5.0 parking spaces for every green
b. Movie theater	0.3 parking spaces for every seat
c. Bowling alley	5.0 parking spaces per lane

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d. Theater, auditorium or arena	1.0 parking space for every 3 seats
e. Tennis or racquet club	3.0 parking spaces per court
f. Sports club or health spa	5.0 parking spaces for every 1,000 square feet of GFA
g. Roller or ice skating rink	5.0 parking spaces for every 1,000 square feet of GFA
h. Swimming club	9.0 parking spaces per employee
i. Park (5 to 10 acres)	1.0 parking space for the first 2 acres and 1.0 parking space for each additional acre and additional parking spaces must be provided for each separate use classification constructed in the park
j. Park (over 10 acres)	5.0 spaces for the first acre; and 1.0 space for each additional 10.0 acres and additional parking spaces must be provided for each separate use classification constructed in the park
k. Park pavilion	1.0 parking space for each picnic table
l. Sports complex	1.0 parking space for every 40 square feet of seating
m. Miniature golf	1.0 parking space for each hole
n. Driving range (golf)	1.0 parking space for each tee
o. Arcade or game room	5.0 parking spaces for every 1,000 square feet of GFA
Class 7. Food and Beverage:	
a. Take-out restaurant	4.0 parking spaces for every 1,000 square feet of GFA
b. Dessert shop	6.0 parking spaces for every 1,000 square feet of GFA and outdoor decks, patio and seating areas in excess of 15% of GFA
c. Small restaurant	8.0 parking spaces for every 1,000 square feet of GFA and outdoor decks, patio and seating areas in excess of 15% of GFA

d. Neighborhood restaurant	9.0 parking spaces for every 1,000 square feet of GFA and outdoor decks, patio and seating areas in excess of 15% of GFA
e. Restaurant	10.0 parking spaces for every 1,000 square feet of GFA and outdoor decks, patio and seating areas in excess of 15% of GFA
f. Tavern or pub	10.0 parking spaces for every 1,000 square feet of GFA and outdoor decks, patio and seating areas
g. Small bar	12.0 parking spaces for every 1,000 square feet of GFA and outdoor decks, patio and seating areas
h. Bar, club or lounge	14.0 parking spaces for every 1,000 square feet of GFA and outdoor decks, patios and seating areas
Class 8. Retail Services:	
a. Supermarket	5.0 parking spaces for every 1,000 square feet of GFA
b. Furniture store	2.0 parking spaces for every 1,000 square feet of GFA
c. Retail store	4.0 parking spaces for every 1,000 square feet of GFA
d. Building materials or home improvement store	4.0 parking spaces for every 1,000 square feet of GFA of retail sales area
e. Barber or beauty shop	8.0 parking spaces for every 1,000 square feet of GFA
f. Shopping center (strip) (up to 25,000 square feet of GFA)	4.0 parking spaces for every 1,000 square feet of GFA, plus the incremental increase in the number of parking spaces required by 26-495(a)
g. Shopping center (neighborhood)(25,000-100,000 square feet of GFA)	4.0 parking spaces per 1,000 square feet of GFA, plus the incremental increase in the number of parking spaces required by 26-495(b)
h. Shopping center (regional) (over 100,000 square feet of GFA)	4.0 parking spaces for every 1,000 square feet of GFA

Class 9. Automobiles:	
a. Auto sales dealer	5.5 parking spaces for every 1,000 square feet of GFA
b. Auto repair establishment	5.0 parking spaces for every 1,000 square feet of GFA
c. Car wash (automated)	2.5 parking spaces for each bay or stall for stacking space
d. Car wash (all other)	1.0 parking space per bay or stall
e. Service station	3.0 parking spaces for each service stall and 1.0 space for each employee on duty during largest shift
f. Auto parts and supply store	4.0 parking spaces for every 1,000 square feet of GFA of retail sales area

Sec. 26-493. Unspecified uses.

The director shall determine the minimum number of parking spaces and bicycle spaces required for any use not specified in section 26-492 of this Code. The director shall consider the following criteria to determine the parking requirements for the unspecified use:

- (1) Documentation supplied by the applicant regarding actual and anticipated demand for parking spaces and bicycle spaces for the proposed use;
- (2) Evidence or data in available planning and technical studies relating to the proposed use;
- (3) Parking requirements for the proposed use as determined by other comparable jurisdictions; and
- (4) Parking requirements for similar uses.

Sec. 26-494. Changes in use classification for grandfathered uses.

For buildings or tracts with a valid building permit or certificate of occupancy, a change in use classification shall not require additional parking spaces or bicycle spaces if the following criteria are satisfied:

- (1) The number of parking spaces and bicycle spaces provided at the time of the most recently approved site plan, building permit, or certificate of occupancy is maintained;
- (2) The change in use classification of the building or tract results in a lower overall parking requirement than the number of parking spaces that would be required by this article if

the current use on the tract was newly constructed;

- (3) Any construction of new buildings shall provide for the parking facilities required by this article for the new construction;
- (4) Any alteration of existing buildings on the tract that results in an increase in GFA or UFA shall provide for the parking facilities required by this article for the incremental increase in GFA or UFA; and
- (5) Any change in use classification to a class 7 use classification under section 26-492 of this Code is only to a take-out restaurant.

Nothing in this section shall prevent a change in use classification that satisfies the parking and loading requirements of this article.

Sec. 26-495. Shopping centers with certain use classifications.

(a) A shopping center (strip) that contains 20 percent or more of its GFA as a class 6 or 7 use classification, excluding a tavern or pub, small bar, or bar, club or lounge, pursuant to section 26-492 of this Code shall provide the incremental increase in the number of parking spaces required for the class 6 or 7 use classification in excess of the 20 percent of its GFA. A shopping center (strip) that contains a tavern or pub, small bar, or bar, club, or lounge shall provide the incremental increase in the number of parking spaces required.

(b) A shopping center (neighborhood) that contains 20 percent or more of its GFA as a class 6 or 7 use classification pursuant to section 26-492 of this Code shall provide the incremental increase in the number of parking spaces required for the class 6 or 7 use classification in excess of the 20 percent of its GFA.

Sec. 26-496. Bicycle spaces for certain use classifications.

For all use classifications under classes 1, 6, 7, 8, and 9 in section 26-492 of this Code, one bicycle space is required for a use that contains more than 5,000 square feet of GFA and less than 25,000 square feet of GFA. An additional bicycle parking space is required for each incremental 25,000 square feet of GFA between 25,000 square feet of GFA and 150,000 square feet of GFA. Bicycle spaces required by this article shall conform to the design criteria of section 26-583 of this Code.

Sec. 26-497. Reduced parking space requirement for additional bicycle spaces.

(a) An applicant who provides bicycle spaces in addition to the minimum number of bicycle spaces required by section 26-496 of this Code shall receive a reduction of one parking space for every four additional bicycle spaces to the number of parking spaces required by section 26-492 of this Code.

- (b) The maximum reduction in the number of parking spaces under this section shall be 10

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percent of the number of parking spaces required by section 26-492 of this Code.

(c) A reduction of parking spaces under this section is available for all use classifications except single-family residential.

(d) Each additional bicycle space shall conform to the standards of section 26-583 of this Code.

Sec. 26-498. Reduced parking space requirement for a historic building.

For a building designated as a protected landmark or a contributing structure within a historic district pursuant to article VII of chapter 33 of this Code, the total number of parking spaces required by this article shall be reduced by 40 percent. No reduction under this section shall be permitted for a building where an exterior alteration or rehabilitation was performed without a certificate of appropriateness required by article VII of chapter 33 of this Code.

Sec. 26-499. Off-site parking.

(a) A parking space required by this article may be provided on off-site parking facilities if the following conditions are met:

- (1) The off-site parking facilities are located less than 250 feet from the tract where the use classification is located except as provided for in items (2) and (3) of this subsection;
- (2) Up to 25 percent of the required number of parking spaces may be provided on off-site parking facilities located:
 - a. Less than 800 feet from a tract where the use classification is located if the building for which the off-site parking is being provided contains less than 30,000 square feet of GFA; or
 - b. Less than 1000 feet from a tract where the use classification is located if:
 - (i) The building for which the off-site parking is being provided contains less than 30,000 square feet of GFA; and
 - (ii) The director determines in his or her sole professional judgment that sufficient pedestrian amenities mitigate the impact of the extended distance of the off-site parking facilities.
- (3) Up to 75 percent of the required number of parking spaces for a freestanding class 7 use under section 26-492 of this Code may be provided on off-site parking facilities located up to 1,000 feet from a tract where the use classification is located if:
 - a. The off-site parking facilities are used only for valet parking services in accordance with this chapter;

- b. Valet parking services for the off-site parking facilities must be available during all operating hours of the use classification;
 - c. 25 percent or more of the parking spaces required by this article are located either on-site or on off-site parking facilities located within 250 feet of the tract where the use classification is located; and
 - d. The applicant or responsible party submits an annual certification of valet parking in accordance with the requirements of section 26-502 of this Code.
- (4) The off-site parking spaces required by this article are not already being used to satisfy the parking requirement of a different building or tract.

(b) All distances shall be measured as the shortest clearly delineated pedestrian route between the property boundary of the tract where the use classification is located to the property boundary of the off-site parking facility as measured along sidewalks and other passageways that are open and accessible to the public at all times.

(c) When an off-site parking facility is located on a tract that is not owned by an applicant or responsible party for the property requiring the parking spaces, the applicant or responsible party shall provide to the department a memorandum of lease that complies with the requirements of section 26-501 of this chapter.

(d) Different requirements for off-site parking facilities may be provided for within a special parking area in accordance with division 3 of this article.

- (e) This section does not apply to bicycle spaces or loading facilities required by this article.

Sec. 26-500. Shared parking requirements.

(a) Two or more different use classifications within one or more tracts that are not used for or restricted to single-family residential purposes may share parking spaces to reduce the overall parking space requirement as provided in this section. This section shall not be used to reduce the number of required bicycle spaces or loading berths.

(b) The following formula and table shall be used to determine the adjustment of the minimum number of parking spaces required by this article:

- (1) Determine the number of parking spaces required by this article for each use classification individually;
- (2) Multiply the number derived from item (1) of this subsection for each individual use classification by the corresponding percentage listed in the rows of the table found in this subsection for each time period found in the columns of the table;

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- (3) Add the numbers derived from item (2) of this subsection for each time period found in the columns of the table. This is the column total for each column; and
- (4) Determine the largest column total. This is the shared parking space requirement.

Class	Type of Use	Typical Weekday				Typical Weekend			
		Midnight to 7AM	7AM to 5PM	5PM to 9PM	9PM to Midnight	Midnight to 7AM	7AM to 5PM	5PM to 9PM	9PM to Midnight
Class 1. <i>Office</i>	Office	5%	100%	30%	5%	0%	10%	0%	0%
	Financial facility	0%	100%	10%	0%	0%	25%	0%	0%
Class 2. <i>Residential</i>	Apartment	100%	25%	50%	95%	100%	65%	50%	85%
	Hotel or motel	100%	10%	50%	85%	100%	10%	50%	75%
Class 3. <i>Health Care Facilities</i>	Clinic (medical complex)	5%	100%	50%	5%	0%	10%	0%	0%
	Clinic (medical or dental)	0%	100%	25%	0%	0%	25%	0%	0%
	Veterinary clinic	0%	100%	5%	0%	0%	25%	0%	0%
Class 4. <i>Industrial, Commercial Manufacturing</i>	All	10%	100%	50%	10%	10%	25%	10%	0%
Class 5. <i>Religious and Educational</i>	Church	0%	5%	25%	0%	10%	100%	40%	0%
	Nursery/day care	0%	100%	5%	0%	0%	5%	0%	0%
	School	0%	100%	5%	0%	0%	10%	0%	0%
	Library	0%	100%	10%	0%	0%	25%	0%	0%
	Art gallery/ museum	0%	75%	50%	0%	0%	100%	60%	0%
Class 6. <i>Recreation and Entertainment</i>	Movie theater	0%	10%	50%	75%	0%	50%	80%	100%
	Bowling alley	0%	10%	50%	85%	0%	40%	75%	100%
	Theater, auditorium or arena	--	--	--	--	--	--	--	--
	Sports club or health spa	50%	25%	100%	10%	10%	50%	10%	5%
Class 7. <i>Food and Beverage</i>	Dessert shop	0%	25%	100%	75%	0%	25%	100%	85%
	Small restaurant	10%	50%	75%	40%	15%	75%	100%	50%
	Neighborhood restaurant	10%	50%	75%	40%	15%	75%	100%	50%
	Restaurant	10%	50%	75%	40%	15%	75%	100%	50%
	Tavern or pub	0%	0%	25%	75%	0%	10%	80%	100%
	Small bar	0%	0%	25%	75%	0%	10%	80%	100%
	Bar, club or lounge	0%	25%	75%	75%	0%	40%	80%	100%
Class 8. <i>Retail Services</i>	All (excluding shopping center)	5%	50%	75%	10%	5%	100%	75%	10%
Class 9. <i>Automobiles</i>	Auto parts and supply store	0%	50%	75%	0%	0%	100%	50%	0%
All others		100%	100%	100%	100%	100%	100%	100%	100%

(c) A theater, auditorium, or arena use may share parking by submitting a parking study with a site plan that details the parking supply and demand of the intended use. The number of shared parking spaces shall be determined by the director after consideration of all relevant factors, including

the factors of subsection (d) this section.

(d) Upon written request of the applicant supported by information adequate to make a determination, the director may approve an additional reduction of up to 10 percent of the required number of shared parking spaces after considering all relevant factors, including:

- (1) The unique parking characteristics of each use classification, including employee, customer, and patron parking demand, hours of operation, and projected convenience and frequency of use of the shared parking.
- (2) Whether the use of shared parking spaces will be injurious to public health, safety, and welfare including, but not limited to, whether the additional reduction of shared parking spaces will cause increased traffic congestion, potential harm to adjacent property owners, and spillover parking into surrounding residential neighborhoods; and
- (3) The recommendation of the director of the public works and engineering department.

(e) All shared parking spaces must conform to the following criteria:

- (1) A shared parking space shall not be reserved for or restricted to a specific use classification. A parking space reserved for a specific use classification shall not be considered a shared parking space;
- (2) All shared and reserved parking spaces shall be identified on a site plan;
- (3) Each shared parking space shall be clearly identified by signage on each tract and parking facility identifying the location and availability of the shared parking spaces for participating uses;
- (4) Each shared parking space must be made available at all times for use by employees, customers, and patrons; and
- (5) Shared parking spaces that are located on off-site parking facilities must comply with the provisions of section 26-499 of this Code for each individual use classification.

(f) The director shall not approve a site plan that proposes to use shared parking spaces unless the applicant or responsible party submits a shared parking agreement to the department that takes the form of a memorandum of lease or a reciprocal easement agreement in a form approved by the city attorney. The shared parking agreement shall comply with the requirements of a memorandum of lease contained in section 26-501 of this Code.

(g) After the director approves a site plan that uses shared parking spaces, any change in the use classification or parking factor shall require the applicant or responsible party to submit a new site plan to the department for approval and a revised shared parking agreement if necessary. The building official shall not issue a building permit or certificate of occupancy without a site plan approved by the director for the revised shared parking agreement.

(h) Operation of a use classification without an approved site plan required by this subsection is a violation of this article.

Sec. 26-501. Memorandum of lease.

(a) A memorandum of lease required by this article shall:

- (1) Be in the form prescribed by the director upon approval by the city attorney or his or her designee, and shall not require that the amount of consideration paid or other financial information be reported to the department;
- (2) Be filed with the department and maintained in the department's records.
- (3) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule;
- (4) Be signed by all interested parties;
- (5) Include the legal description of the leased tract;
- (6) Provide that the leased tract will be used solely to satisfy the parking requirements of this article for the term of the lease or agreement; and
- (7) Have an effective term of at least one year.

(b) In the event that the leased tract becomes unavailable to the use classification whether through termination of the lease, agreement, or other reason, the applicant or responsible party must immediately notify the department and take steps to obtain and submit for approval substitute parking arrangements that comply with the requirements of this article. The director shall cause the certificate of occupancy of an applicant or responsible party to be revoked after the expiration of the grace period set forth below if the applicant or responsible party is not in compliance with the requirements of this article due to the unavailability of the leased tract in accordance with the following:

- (1) If the applicant or responsible party has not made substitute arrangements within a 90 day grace period after the date the leased tract became unavailable, the director shall cause the certificate of occupancy to be revoked for the use and that use shall cease immediately.
- (2) If an applicant or responsible party can demonstrate to the satisfaction of the director that the leased tract became unavailable through no fault of the applicant or responsible party, the grace period to submit substitute arrangements and have them approved shall be 120 days from the date the leased tract became unavailable. If no substitute arrangements are approved within the grace period, the director shall cause the certificate of occupancy to be revoked for the use and that use shall cease immediately.

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- (3) The director shall grant an additional 120 day extension to the grace period to an applicant or responsible party who can demonstrate the following to the satisfaction of the director:
 - a. The applicant or responsible party has acted in good faith and made reasonable efforts to obtain substitute parking;
 - b. The applicant or responsible party will have reasonable opportunity to obtain substitute parking if an extension is granted; and
 - c. The granting of an extension will not be injurious to the public health, safety, and welfare;

- (5) The commission shall grant an additional 90 day extension to the grace period to an applicant who demonstrates to the satisfaction of the commission the criteria of item (3) of this subsection. An application to the commission for the additional 90 day extension shall:

- a. Be filed with the department before the expiration of the grace period described by this section;
- b. Be in the form prescribed by the director; and
- c. Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule.

- (5) Operation of a use classification after the expiration of the grace period without providing for substitute parking arrangements approved by the director is a violation of this article.

(c) An applicant or responsible party must submit an annual certification to the department not more than one year from the date of the most recently approved site plan or memorandum of lease demonstrating the continued availability of the leased tract. The annual certification shall:

- (1) Be in the form prescribed by the director;
- (2) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule; and
- (3) Include a current and valid memorandum of lease that complies with the standards of subsection (a) of this section showing that the leased tract is available for continued use as shown on the most recently approved site plan.

If an applicant or responsible party fails to submit an annual certification to the department, the leased tract shall be considered to be unavailable for the parking purpose intended by the lease and the applicant or responsible party shall take the steps outlined in subsection (b) of this section

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required for compliance with this article.

Sec. 26-502. Annual certification of valet parking.

(a) An applicant or responsible party that is required by this article to submit an annual certification of valet parking shall submit an annual certification to the department that shall:

- (1) Be in the form prescribed by the director;
- (2) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule;
- (3) Include the following documentation:
 - a. Current proof of liability insurance for valet parking services for the use classification for which valet parking is provided; and
 - b. Proof of compliance with the valet parking requirements of this chapter, as applicable; and
 - c. A current contract for valet services for all hours of operation of the use classification for which valet services are provided, or payroll evidence of employees that provide valet parking services for all hours of operation of the use classification; and
- (4) Include other documentation demonstrating the continued operation and availability of the valet parking services for the use classification for which valet parking is provided.

(b) In the event that valet parking services cease to be available for all hours of operation of the use classification whether through termination of a contract for valet parking services or other reason, the applicant or responsible party must immediately notify the department and take steps to obtain and submit for approval substitute parking arrangements that comply with the requirements of this article. The director shall cause the certificate of occupancy of an applicant or responsible party to be revoked after the expiration of the grace period set forth below if the applicant or responsible party is not in compliance with the requirements of this article due to the unavailability of the valet parking services in accordance with the following:

- (1) If the applicant or responsible party has not made substitute arrangements within a 15 day grace period after the date the valet parking services ceased to operate, the director shall cause the certificate of occupancy to be revoked for the use and that use shall cease immediately.
- (2) The director shall grant an additional 15 day extension to the grace period to an applicant or responsible party who can demonstrate the following to the satisfaction of the director:

- a. The applicant or responsible party has acted in good faith and made reasonable efforts to obtain substitute parking or valet parking services;
- b. The applicant or responsible party will have reasonable opportunity to obtain substitute parking or valet parking services if an extension is granted; and
- c. The granting of an extension will not be injurious to the public health, safety, and welfare.

(c) If an applicant or responsible party fails to submit an annual certification to the department, the director shall cause the certificate of occupancy for the building or tract for which valet parking services are provided to be revoked.

Secs. 26-503 to 26-509. Reserved

DIVISION 3.

SPECIAL PARKING AREAS

Sec. 26-510. Special parking areas.

The city council may designate special parking areas to accommodate parking needs in certain areas of the city. The department shall maintain a list of current special parking areas, maps and written descriptions of their boundaries, and their approved parking management plans on its website.

Sec. 26-511. Application requirements for designation of a special parking area.

An application for designation of a special parking area may be filed with the department by a management entity that represents the holders of legal interests within the proposed special parking area and has a demonstrated perpetual commitment to the proposed special parking area. The application shall be in the form prescribed by the director and shall include the following:

- (a) The non-refundable fee set forth for this provision in the city fee schedule;
- (b) A list of the names and addresses of owners of each tract within the proposed special parking area as shown on the current appraisal district records;
- (c) A list of the names and addresses of owners of each tract within 500 feet of the boundary of the proposed special parking area as shown on the most current appraisal district records;
- (d) One stamped envelope addressed to each property owner indicated on the lists provided in subsections (b) and (c) of this section;
- (e) A proposed parking management plan that describes the following:

- (1) The current parking requirements for each building and tract as required by this article within the proposed special parking area as well as the anticipated parking requirements of proposed development and redevelopment within the special parking area;
- (2) Existing parking restrictions such as hours of permitted parking and restrictions relating to use;
- (3) Existing and proposed public and private parking facilities;
- (4) Existing and proposed transit facilities or other alternative modes of transportation, including, but not limited to:
 - a. Existing and proposed METRO rail stations and fixed-route bus stops;
 - b. Existing and proposed bicycle lanes, bicycle routes, shared-use paths, and pedestrian trails;
 - c. Existing and proposed bicycle spaces and bicycle facilities;
 - d. Existing and proposed taxi-cab stands;
 - e. Existing and proposed services for shuttle, trolley, park and ride, jitney, and similar services; and
 - f. A transit ridership summary that details the extent of usage of the existing transit facilities or modes, the number of vehicles that proposed transit facilities or modes will replace, and other information or evidence that current and future parking facilities will satisfy demand for parking within the boundaries of the proposed special parking area on a permanent basis;
- (5) The approximate number of vehicular trips generated by the existing use classifications within the proposed special parking area and the average vehicle occupancy;
- (6) An analysis of the parking supply and demand within the proposed special parking area, including peak demand hours;
- (7) The approximate number of people employed within the proposed special parking area;
- (8) The approximate number of people who reside within the proposed special parking area;
- (9) Proposed and existing mitigation measures designed to prevent spillover parking into adjacent properties and residential neighborhoods; and
- (10) The proposed shared parking plan, alternative parking regulations, and substituted

requirements for the number of parking spaces, bicycle spaces, or loading berths, as applicable, for the special parking area with a justification for each; and

- (f) A map illustrating the boundaries of the proposed special parking area and showing the boundaries of each individual property within the proposed special parking area.

Sec. 26-512. Procedures for designation of a special parking area.

(a) The director shall review each application for completeness. Upon determining that an application is complete, the director shall forward the application to the director of the public works and engineering department for review. The director shall give notice of a public hearing before the commission to:

- (1) Each owner of property within the proposed special parking area and within 500 feet of the boundary of the proposed special parking area as shown on the most current appraisal district records;
- (2) Each neighborhood association with defined boundaries registered with the department in which any portion of the proposed special parking area is located;
- (3) Each district council member in whose district any portion of the proposed special parking area is located;
- (4) The chief of the city police department; and
- (5) The parking official of the city as defined in this chapter.

Notice shall be given by first class mail no later than 15 days before the date of the public hearing, except that notice may be given by electronic mail to the people and entities listed in items (2), (3), (4), and (5) of this subsection.

(b) The commission shall hold at least one public hearing upon the designation of the area as a special parking area and on the management entity's proposed parking management plan. The director shall submit recommendations to the commission regarding the designation of the special parking area and the proposed parking management plan.

Sec. 26-513. Commission action on an application for designation of a special parking area.

(a) After the close of the public hearing and upon receipt of the director's recommendations pursuant to subsection (b) of section 26-512 of this Code, the commission shall consider the application and recommend the designation of the special parking area and the approval of the parking management plan if the commission finds that the application meets the following criteria:

- (1) The special parking area has a clearly defined boundary;
- (2) The management entity responsible for the special parking area has a demonstrated

capacity to manage parking needs and parking facilities, including an understanding of the parking supply and demand within the proposed special parking area;

- (3) The proposed parking management plan will not result in significant parking deficiencies from reduced parking standards, incompatible or competing use classifications, or inadequate enforcement and regulation;
- (4) The proposed parking management plan will mitigate the impact of spillover parking onto adjacent properties and residential neighborhoods; and
- (5) The proposed parking management plan will provide reasonable and sufficient access to parking facilities within the special parking area.

(b) The commission may impose any conditions reasonably related to the designation of the special parking area that furthers the intent and purpose of this article.

(c) If the commission is unable to make the findings necessary for the designation of the special parking area and the approval of the parking management plan, the commission shall:

- (1) Defer the application to a later commission date; or
- (2) Deny the application.

(d) The director shall submit the affirmative recommendation of the commission to city council.

Sec. 26-514. City council action on designation of a special parking area.

The city council shall consider the recommendation of the commission and, consistent with the criteria of subsection (a) of section 26-513 of this Code, shall approve or deny the proposed designation.

Sec. 26-515. Modification of a special parking area.

A management entity may request that additional tracts be added to or subtracted from a special parking area at any time by following the application requirements for the designation of a special parking area. The application for modifying a special parking area shall be subject to the same procedures and criteria as the original application.

Sec. 26-516. Duties and responsibilities.

(a) It shall be the responsibility of the management entity to implement the provisions of the parking management plan within the special parking area. The management entity shall submit a review of the parking management plan to the commission every two years after the designation of the special parking area. The review of the parking management plan must:

- (1) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule; and
- (2) Include documentation of any changed circumstances from the information provided to the commission in the application for designation of the special parking area or from the most recent review of the parking management plan.

(b) If the management entity fails to submit a review of the parking management plan within three years of the designation of the special parking area or the last review of the parking management plan, the provisions of the parking management plan shall not apply within the special parking area, and the building official shall issue a building permit or a certificate of occupancy for buildings or tracts that comply with the provisions of this article without reference to the parking management plan.

Sec. 26-517. Review of parking management plan.

(a) The commission shall hold a public hearing and review the parking management plan submitted by the management entity pursuant to section 26-516 of this Code. After the close of the public hearing, the commission shall:

- (1) Take no action if the commission finds that no changes should be made to the parking management plan; or
- (2) Instruct the management entity to submit for commission review a revised parking management plan by following the application requirements of section 26-511 of this Code if the commission finds that evidence of changed circumstances within the special parking area may warrant a revision of the parking management plan.

(b) If the commission requires the management entity to submit a revised parking management plan pursuant to item (2) of subsection (a) of this section, the director shall give notice of a public hearing on the review of the revised parking management plan in accordance with the provisions of section 26-512 of this Code. The commission shall hold a public hearing and review the revised parking management plan. After the close of the public hearing, the commission shall:

- (1) Take no action if the commission finds that no changes should be made to the parking management plan;
- (2) Recommend to city council that the revised parking management plan should be adopted to accommodate any changed circumstances outlined in the commission review of the revised parking management plan; or
- (3) Recommend to city council that the designation of the special parking area should be terminated.

(c) If the parking management plan is revised or the designation of the special parking area is terminated by city council as a result of the procedures outlined in this section, all use

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classifications that have been permitted on or before the date of council action shall be permitted to continue to exist except as otherwise provided in this article. All use classifications permitted after that date shall comply with the revised parking management plan or the parking requirements of this article.

Secs. 26-518 to 26-520. Reserved

DIVISION 4.

REQUIREMENTS FOR LOADING FACILITIES

Sec. 26-521. In general.

No building permit or certificate of occupancy shall be issued for the construction or alteration of a building in the loading facilities category listed in section 26-522 of this Code unless the building includes the construction of, or provides for, the number of loading berths required for that use as shown in section 26-522 of this Code.

Sec. 26-522. Requirements for certain loading facilities categories.

The construction or alteration of a building for any of the following loading facilities categories shall provide the number of on-site loading berths shown below for that loading facilities category. The individual use classifications or classes of use classifications in the following chart shall correspond to the individual use classifications or classes of use classifications in section 26-492 of this Code:

Loading facilities category	Loading berth requirements
Category 1. Office:	
a. Up to 300,000 square feet of GFA	None
b. 300,000 up to 750,000 square feet of GFA	1.0
c. 750,000 up to and including 1,500,000 square feet of GFA	2.0
d. More than 1,500,000 square feet of GFA	3.0
Category 2. Apartment with more than 50 total dwelling units:	
a. Up to and including 30 dwelling units per acre	None
b. More than 30 dwelling units per acre	1.0 (minimum size of 10'x40')
Category 3. Hotel or motel:	
a. Up to 100,000 square feet of GFA	None
b. 100,000 up to 200,000 square feet of GFA	1.0
c. 200,000 up to and including 300,000 square feet of GFA	2.0
d. More than 300,000 square feet of GFA	3.0
Category 4. Industrial and commercial manufacturing (includes all the use classifications of Class 4 of section 26-492):	
a. Up to 50,000 square feet of GFA	None
b. 50,000 up to 100,000 square feet of GFA	1.0
c. 100,000 up to and including 400,000 square feet of GFA	2.0
d. More than 400,000 square feet of GFA	3.0

Category 5. Food and Beverage (includes all of the use classifications of Class 7 of section 26-492):	
a. Up to 25,000 square feet of GFA	None
b. 25,000 up to and including 50,000 square feet of GFA	1.0
c. Each additional 50,000 square feet of GFA beyond 50,000 square feet of GFA	1.0
Category 6. Retail services (includes all of the use classifications of Class 8 of section 26-492):	
a. Up to 10,000 square feet of GFA	None
b. 10,000 up to and including 60,000 square feet of GFA	1.0
c. Each additional 60,000 square feet of GFA beyond 60,000 square feet of GFA	1.0

Sec. 26-523. Standards for loading berths.

(a) Each loading berth shall have minimum dimensions of 10 feet wide and 55 feet long unless otherwise identified in this division.

(b) A tract that takes vehicular access from a major thoroughfare or collector street that contains a loading berth must provide sufficient area for maneuverability on the tract for delivery vehicles, large trucks, and other vehicles to access or use the loading berth without blocking any portion of the public right-of-way, as determined by the sole professional judgment of the traffic engineer.

(c) Loading berths shall not be located within a drive aisle or otherwise block access to parking spaces, bicycle spaces, or other loading berths. A loading berth shall not project into the public right-of-way or a private roadway as the term is defined in chapter 42 of this Code.

(d) Upon written request of the applicant supported by information adequate to make a determination, the director may reduce required loading berth dimensions and maneuvering area if the applicant demonstrates that delivery vehicles can park and maneuver within the proposed loading and maneuvering areas and the proposed modification of the site plan complies with the requirements of subsections (b) and (c) of this section.

Secs. 26-524--26-559. Reserved.

DIVISION 5.

VARIANCES

Sec. 26-560. Appeal of denial.

A denial of a building permit, site plan, or a certificate of occupancy for non-compliance with the provisions of this article may be appealed by requesting a variance in accordance with the provisions of this division.

Sec. 26-561. Variance application procedure.

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(a) An applicant may make written application to the department for a variance from the requirements of this article. An application for a variance shall include:

- (1) A completed application in the form prescribed by the director;
- (2) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule;
- (3) A list identifying the property owners of each lot or tract within a 500-foot radius of the boundary of the property for which the variance is requested, as shown on the most current appraisal district records; and
- (4) One stamped envelope addressed to each property owner indicated on the list provided in item (3) of this subsection.

(b) The director shall review the application for completeness. If the director determines that an application is not complete, the application shall be returned to the applicant. Within seven days after the date a completed application is accepted, the director shall forward a copy of the application to the director of the public works and engineering department who shall make a recommendation regarding the proposed variance to the director.

Sec. 26-562. Notification of application for a variance.

(a) The director shall mail copies of the notices by first class mail in the stamped envelopes supplied by the applicant in section 26-561(a)(4) of this Code not less than 10 days before the date on which the commission will first consider the variance to each property owner on the list supplied by the applicant in section 26-561(a)(3) of this Code;

(b) The director shall notify each neighborhood association registered with the department in whose area the variance is located by electronic mail or first class mail as soon as reasonably possible before the first meeting at which the commission will consider the application;

(c) The department shall give notice to each district council member in whose district the variance is located by electronic mail message as soon as reasonably possible before the first meeting at which the commission will consider the application; and

(d) The applicant shall give notice by posting at least one sign on the property for which the variance is sought not less than 10 days before the date of the meeting at which the commission will first consider the application. At least one sign shall face each major thoroughfare or collector street bordering the tract for which the variance is sought. Each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from the public right-of-way. Each sign shall face and be clearly legible from the public right-of-way. The applicant shall use reasonable efforts to maintain each required sign on the tract until the close of the meeting at which the commission acts on the application. The sign shall provide the following information:

- (1) The address of the building or tract for which the variance is sought;

- (2) The date, time, and place of the meeting at which the commission will next consider the application for variance, updated to reflect any changes in the date, time, and place of the meeting, including if the applicant's variance request is deferred, continued, or otherwise postponed by the commission;
- (3) The proposed use classification of the building or tract;
- (4) If the proposed use classification of the building is a class 7 use classification under section 26-492 of this Code, the sign shall indicate the tract may contain valet parking.
- (5) A telephone number of the applicant to call for additional information; and
- (6) A telephone number of the department to call for additional information.

Sec. 26-563. Standards and review of variances.

(a) The commission is authorized to consider and grant a variance from the provisions of this article if the commission determines that the granting of a variance satisfies the following criteria:

- (1) Either:
 - a. The imposition of the terms, rules, conditions, policies and standards of this article would create an undue hardship by depriving the applicant of the reasonable use of the land; or
 - b. Strict application of the requirements of this article would make a project infeasible due to the existence of unusual physical characteristics that affect the property in question or would create an impractical development or one otherwise contrary to sound policy;
- (2) That the circumstances supporting the granting of the variance are not the result of a hardship imposed or created by the applicant;
- (3) The intent and general purposes of this article will be preserved;
- (4) The number of proposed parking spaces will be sufficient to serve the use for which it is intended;
- (5) The granting of the variance will not be injurious to the public health, safety or welfare; and
- (6) If the building is subject to the requirements of article VII of chapter 33 of this Code, the granting of the variance is necessary to accomplish the purposes of a certificate of appropriateness issued pursuant to article VII of chapter 33 of this Code.

(b) In addition, if the building or tract for which the variance is sought proposes to provide parking spaces on an off-site parking facility, the commission shall consider the following factors:

- (1) The locations of the proposed use classification and the proposed off-site parking facility;
- (2) Existing and potential parking demand created by other use classifications in vicinity;
- (3) The characteristics of the use classification, including employee, customer, and patron parking demand, hours of operation, and projected convenience and frequency of use of the off-site parking facility;
- (4) Adequacy, convenience, and safety of pedestrian access between off-site parking facilities and the tract where the use classification is located;
- (5) Traffic patterns on adjacent streets, and proposed access to the off-site parking; and
- (6) The recommendation of the traffic engineer.

Sec. 26-564. Commission consideration and action.

The commission shall consider and act on an application for a variance pursuant to this division. Upon consideration of an application, the commission shall:

- (1) Grant the variance, with or without conditions, if the commission finds the application satisfies the criteria of section 26-563 of this Code;
- (2) Deny the variance request if the commission is unable to make the findings necessary for the approval of a variance pursuant to section 26-563 of this Code; or
- (3) Defer the variance to a later commission date.

Sec. 26-565. Applicability of variance.

Any variance granted under the provisions of this division will apply only to the specific building or tract and use classification upon which the commission was requested to grant the variance and shall not constitute a change of any part of this article. All variances as granted shall be in writing and maintained as a permanent record of the commission.

Sec. 26-566--26-580. Reserved.

DIVISION 6.

CONSTRUCTION, MAINTENANCE, AND DESIGN

Sec. 26-581. Construction standards for parking and loading facilities.

All parking and loading facilities shall be constructed in accordance with the Construction Code, except as otherwise provided for in this article. In addition, parking and loading facilities shall be:

- (1) Surfaced and maintained with asphalt, concrete, or all-weather surfacing or other permanent hard surfacing material sufficient to prevent the accumulation of mud, dust or loose material. Materials may be pervious; and
- (2) Graded and provide permanent storm drainage facilities that meet the construction specifications set by the city engineer. Surfacing, curbing and drainage improvements shall be sufficient to prevent free flow of water onto adjacent properties, public streets or alleys and to provide adequate drainage.

Sec. 26-582. Design and maintenance standards for parking and loading facilities.

- (a) All parking and loading facilities shall be designed to:
 - (1) Include safety barriers, protective bumpers or curbing, and directional markers sufficient to provide safety, efficient utilization, protection to landscaping and bicycle spaces, and to prevent encroachment onto adjoining public or private property;
 - (2) Ensure motorist visibility of pedestrians, bicyclists, and other vehicles when entering individual parking spaces, circulating within a parking facility, and entering and exiting a parking or loading facility; and
 - (3) Provide for internal circulation patterns and the location and traffic direction of all drive aisles in accordance with accepted principles of traffic engineering and traffic safety.

(b) All parking and loading facilities shall be maintained to assure desirability and usefulness of the facility. Such facilities shall be maintained free of refuse, debris or other accumulated matter and shall at all times be available for the off-street parking or loading use for which they are required or intended.

Sec. 26-583. Design standards for bicycle spaces and bicycle racks.

- (a) A bicycle space required by this article shall:
 - (1) Be located on the same tract as the building or tract they are being provided for, except when an application for an encroachment permit has been approved by the director of the public works and engineering department of the city or his or her designee to locate the bicycle spaces within the public right-of-way adjacent to the tract; and
 - (2) Not obstruct access to parking spaces, other bicycle spaces, loading berths, or pedestrian walkways such as sidewalks and ramps; and

- (b) Each bicycle space required by this article shall contain a bicycle rack that is:
 - (1) Constructed of durable materials that can withstand permanent exposure to the elements and vandalism such as powdered-coated metal or stainless steel;
 - (2) Designed to permit the locking of the bicycle frame by a standard size “U lock” containing locking points between one foot and three feet from the ground, provide a gap for pedal clearance, and allow for the locking of at least one wheel to the bicycle rack;
 - (3) Designed to accommodate the typical range of bicycle sizes;
 - (4) Securely anchored to the ground or building;
 - (5) Spaced with sufficient clearance from other bicycle racks to allow access to the bicycle spaces; and
 - (6) Properly maintained by the applicant or responsible party.

Sec. 26-584. Alternate design standards for parking facilities used for valet parking.

(a) For a freestanding class 7 use classification under section 26-492 of this Code, parking facilities intended to be used solely for valet parking purposes may be designed in a way that does not conform to the requirements of the Construction Code for the layout of parking spaces and drive aisles if a valet parking plan is submitted along with a site plan pursuant to section 26-473, which complies with the following standards:

- (1) The valet parking plan is submitted with the written consent of the property owner of the tract for which valet parking is proposed;
 - (2) The layout and dimensions of the parking spaces and drive aisles provide for sufficient parking and maneuverability for a variety of passenger automobiles, motor vehicles, and light trucks;
 - (3) If the valet parking plan provides for an on-site drop-off for vehicles using the valet parking services, the drop-off shall comply with the site plan review requirements of subsection (d) of section 26-474 of this Code;
 - (4) The valet parking plan will mitigate the impact of spillover parking onto adjacent properties and residential neighborhoods; and
 - (5) If a valet parking plan includes parking spaces that are required by this article, valet parking services must be provided for those parking spaces during all operating hours of the use classification.
- (b) The director shall review the valet parking plan along with the site plan and shall

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approve a valet parking plan that complies with the standards of subsection (a) of this section. No valet parking services may be provided pursuant to subsection (a) of this section unless the director approves the site plan along with the valet parking plan.

(c) An applicant or responsible party that provides valet parking services pursuant to a valet parking plan approved by the director shall submit an annual certification of valet parking in accordance with section 26-502 of this Code.

Sec. 26-585. Design standards for parking facilities for compact cars.

A maximum of 35 percent of the parking spaces required by this article may be designed and reserved for small or compact cars in accordance with the dimensions specified in the Construction Code. No designated spaces for compact cars shall be permitted in any building or tract designed to be used for residential purposes or in parking facilities with less than 40 parking spaces. Compact parking spaces shall be identified by appropriate signage or markings within the compact parking space.

Sec. 26-586. Parking lifts.

(a) A parking lift shall not be permitted within a parking facility except as follows:

- (1) The parking lift is within the boundaries of a special parking area approved by city council pursuant to division 3 of this article, and the management entity has provided for the operation and maintenance of the parking lifts in the most recently approved parking management plan; or
- (2) The parking lift is inside of a multi-story parking garage and the applicant or responsible party for the garage has provided for, in the sole professional judgment of the director:
 - a. The appropriate screening for any neighboring single-family residential use; and
 - b. The appropriate operation and maintenance of the parking lift.

(b) A parking lift that is permitted in accordance with subsection (a) of this section shall conform to the following standards:

- (1) The parking lift shall not be permitted to be installed above or within a parking space, bicycle space, or loading berth required by this article; and
- (2) The parking lift must be regularly maintained and operated by a trained operator when appropriate;
- (3) The parking lift shall not be permitted to be installed in an area that obstructs access to a parking space, bicycle space or loading berth required by this article.

Sec. 26-587. Accessible parking.

Accessible parking spaces for vehicles operated by or for persons with disabilities shall be provided in accordance with state and federal standards. When only one parking space is required under this article, accessible parking requirements shall be in addition to the one parking space so required.

Sec. 26-588. Reconstruction after Casualty.

The building official shall issue a building permit that does not require the construction of a parking and loading facility required by this article if:

(a) The building permit is for the reconstruction of a building damaged by fire or other casualty not intentionally caused by the owner of the building or the owner's agent and the estimated cost to rebuild is less than 75 percent of the estimated replacement cost of the entire building, not including the estimated replacement cost of the building foundation; and

(b) The reconstruction would not result in an increase in the parking factor or a change in the use classification of the building or tract.

Secs. 26-589--26-600. Reserved.